

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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HOWARD LOSS,

Petitioner,

v.

MICHIGAN PAROLE BOARD,  
*et al.*,

Respondents.

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Case No. 1:02-CV-676

Hon. Richard Alan Enslen

**ORDER**

Petitioner Howard Loss has moved for reconsideration of the Court's Final Order of August 22, 2005, which denied his habeas petition and denied a certificate of appealability. Petitioner's Motion for Relief from Judgment again asserts his innocence of criminal charges.

Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof." Plaintiff's Motion fails to meet this standard, as well as the standards for relief under Federal Rules of Civil Procedure 59 and 60. In particular, the substance of Petitioner's factual arguments concerning his innocence were fully considered and rejected previously. Petitioner does not provide a cognizable reason for relief under Rules 59 or 60. Relief under Rule 60(b)(6) is warranted "only in exceptional or extraordinary circumstances which are not addressed by the first five numbered clauses." *Cincinnati Ins. Co. v. Byers*, 151 F.3d 574, 578 (6th Cir. 1998) (quoting *Hopper v. Euclid Manor Nursing Home, Inc.*, 867 F.2d 291, 294 (6th Cir. 1989)). In this case, no adequate showing of an exceptional circumstance has been made.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner Howard Loss' Motion for Reconsideration (Dkt. No. 88) is **DENIED**.

DATED in Kalamazoo, MI:  
September 22, 2005

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE